

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SHAHRAM DAVID LAVIAN,

Plaintiff,

08-CV-00938 (PAC/GWG)

-against-

Notice of Motion

IRA DANIEL TOKAYER, ESQ.

Defendants.

-----X

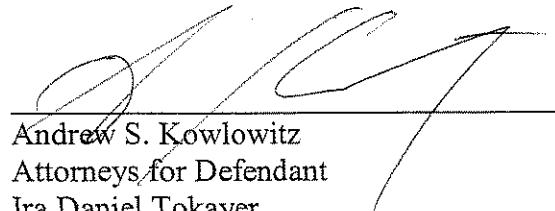
PLEASE TAKE NOTICE, that upon the affidavit of Andrew S. Kowlowitz, Esq., sworn to on the 25th day of July, 2008, together with the exhibits annexed thereto and the accompanying Memorandum of Law, Defendant IRA DANIEL TOKAYER, ESQ., by his attorneys, FURMAN KORNFELD & BRENNAN LLP, will move this Court, before the Honorable Gabriel W. Gorenstein, United States District Court, Southern District of New York, 500 Pearl Street New York, New York 10007, on a date and time to be determined by the Honorable Court for an Order pursuant to Federal Rules of Civil Procedure 12 (b) (6) dismissing all claims by *pro se* plaintiff, Shahram David Lavian, as set forth in plaintiff's Complaint and for such other and further relief as this Court may deem just and proper.

Pursuant to the Honorable Judge Gorenstein's rules, the undersigned placed two calls to the plaintiff, on July 14, 2006 and July 22, 2008, to arrange a motion briefing schedule. Neither of the calls were returned.

Dated: New York, New York
July 25, 2008

FURMAN KORNFELD & BRENNAN LLP

By:


Andrew S. Kowlowitz
Attorneys for Defendant
Ira Daniel Tokayer
545 Fifth Avenue, Suite 401
New York, New York 10017
Telephone No.: (212) 867-4100
FKB File No.: 300.050